



70th Meeting of the Advisory Committee for Northern Ireland (ACNI)

Wednesday 21 November 2018

Minutes

Present:

Paul Wilson	ACNI
Alan Meban	ACNI
Kathy Graham	ACNI
John Ellison	ACNI
Carrie Matchett	ACNI
Rick Hill	CCP
Bob Downes	Ofcom Board Member
Katie Pettifer	Ofcom
Emma McFayden (via VC)	Ofcom
Jonathan Rose	Ofcom
Sinéad Lee	Ofcom
James Stinson	Ofcom
Rebecca Robinson	Ofcom

Apologies:

Angelina Fusco	Content Board
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1. Welcome, apologies, minutes from last meeting and matters arising

Paul Wilson was acting Chair for this meeting as the appointment process for Chair for the Committee has not yet taken place. Paul welcomed everyone to the meeting, particularly Katie Pettifer and Bob Downes, Ofcom Board Member for Scotland.

Minutes and actions from the last meeting were agreed, subject to a minor amendment.

Members stated their disappointment that the Code of Conduct for Members has not yet been developed but noted that a draft Code of Conduct had been discussed at the last Ofcom Board meeting.

Members welcomed the new Diligent software solution for meeting papers and notes.

The Committee discussed the proposed Annual Plan and process for responding. A sub-group (Kathy Graham, John Ellison and Paul Wilson) was agreed to co-ordinate the Committee's response to the proposed Annual Plan. It was noted that a Northern Ireland stakeholder event will take place on 15th January.

Action: ACNI response to proposed Annual Plan 2019/20 to be developed.

2. Agenda Discussion

The Committee discussed the agenda items that would be covered as part of the meeting, including the presentation from Channel 4.

On the Made Outside London Review the Committee agreed that the current policy needed amending to help change attitudes towards MOL commissioning by broadcasters. The Committee suggested that the framework agreement between Northern Ireland Screen and the BBC would be a good model for other broadcasters to replicate.

The Broadband USO was discussed including how it may interact with DfE's Project Stratum.

Action: *Invite BBC NI and UTV to future meetings*

ACNI Members to consider whether they find this section of the agenda useful and provide feedback to Ofcom in advance of the next meeting.

3. Update from Ofcom Board: Bob Downes

Bob highlighted that the last Board meeting was in Edinburgh and included a stakeholder reception. The Board discussed the upcoming Proposed Annual Plan and stated it was a simpler, easier to read document than previous years. The Board also discussed the balance to be struck between putting in place spectrum coverage obligations and the most effective use of spectrum.

Katie stated that Ofcom is looking at all options for improving mobile coverage and a roundtable between mobile operators and government is planned to discuss improving mobile coverage.

4. Advisory Committee Reform: Emma McFayden

Emma highlighted that the proposals on Advisory Committee reform has been discussed and approved at the last Board meeting. The Board agreed that the Nations Committee was no longer necessary but that it would be appropriate for the National Advisory Committee Chairs to meet with the Ofcom Chief Executive and Chair once a year to discuss common issues.

The Committee expressed its unease over four formal meetings per year but agreed there was opportunity for sub groups to work on consultation responses.

Action: *Ofcom NI to update ACNI members on relevant information between meetings*

5. Ofcom and Channel 4/PSB; Simon Terrington & Jonathan Mackey

Jonathan explained Ofcom's role in regulating Channel 4, including licence conditions on targets for news and current affairs and out-of-London commissions. Channel 4 has a quota of 9% volume and spend from the devolved nations which it must reach by 2020.

The Committee made the following comments:

- Channel 4 should be encouraged to go beyond its 9% nations quota beyond 2020.
- Independent production companies from Northern Ireland are able to gain commissions from overseas such as the US and therefore this should prove they have the skill and quality to do likewise for Channel 4.
- The Committee discussed the merits of having would like a specific production target or bespoke production framework for Northern Ireland from Channel 4, particularly as Northern Ireland will not benefit directly from one of Channel 4's regional hubs.
- They were encouraged that Channel 4 was keen to help and grow production talent as part of its Alpha Fund.
- Expressed concern that Channel 4 had worked with fewer new independent producers in the past year than in 2017/18.

6. Made Outside London review: Kirsty Johnston, Jacqui Hughes, Simon Terrington and Stephanie Brook

The Made Outside London team gave an overview of its consultation which would be published in the coming months.

The Committee made the following comments:

- The current Made Outside London (MOL) regime was capable of being manipulated by broadcasters – particularly in terms of production spend criteria.
- Welcomed proposals to increase the proportion of nations production that would qualify a programme for MOL.
- Welcomed the multi-region approach which could encourage cross-fertilisation of ideas and links between production companies.
- They were encouraged by the compliance and complaints proposals
- Noted that lift-and-shift had a role to play as a stepping stone to increasing production from a nation or region but was not the full answer.
- That the contribution made to the creative economy and to consumers by the independent production sector should not be underestimated.
- Said there was a need for transparency in terms of figures and data for MOL productions.

A sub-group was agreed to respond formally to the consultation once published comprising of Carrie Matchett, Angelina Fusco, Rick Hill and Alan Meban.

Action: *ACNI response to MOL consultation to be developed.*

7. Connected Nations: Jose Kurian, James Stinson, Jill Faure

The Connected Nations team informed the Committee that all data collected as part of the report would be made available on the Ofcom website after the publication date and that premises-level data would be available to third party organisations.

The Committee also heard that there would be a communications campaign around the time of publication to help consumers identify ways they could boost their broadband speeds, switch providers etc.

The Committee:

- Welcomed the publication of data sets and had found these useful in the past when published along with the CMR data.
- Noted that the report would contain case studies on the amount of data required by typical households and that the communications campaign would also focus the cost to consumers of being out of their broadband contract.
- Raised concerns about mis-selling when internal wiring may not be able to support faster speeds and broadband companies are putting pressure on consumers to sign up for faster speeds that they do not require.

8. Broadband USO: Jack Gaches

Jack informed the Committee on the consultation on the designation of the universal service provider/s and the conditions which will be placed on them.

The Committee:

- Noted that the USO would be in place for early 2020. Customers requesting a USO connection would have confirmation within 30 days of request.
- Had discussions on the potential proportion of premises that may fall outside the connection cost threshold and the possibility of demand aggregation.
- Suggested that Ofcom colleagues in Northern Ireland should play a role in communicating the details of USO to local authorities and stakeholders.

A sub-group (John Ellison, Alan Meban and Paul Wilson) was formed to draft the Committee's response to the consultation.

Action: *Response to the broadband USO to be developed.*

9. Government and Parliamentary Update: Katie Pettifer

Katie briefed the Committee on latest developments. These included:

- Online regulation: Ofcom's Chief Executive and Chairman gave evidence to the DCMS Committee of the House of Commons in late October. Much of the session involved questions on what regulation of online content might look like.
- Mobile coverage: In September Ofcom published technical advice to Government on further options to improve mobile coverage. It provides technical analysis of options to improve mobile coverage, such as public subsidy, rural wholesale access (commonly known as rural roaming), infrastructure sharing and planning reform. The Government will consider the advice and decide on any further steps it wishes to take.
- Brexit: Ofcom has been supporting the UK Government in the preparation of relevant 'no deal' Statutory Instruments for relevant sectors. The Committee was reassured that there was good understanding of the issues relevant to Northern Ireland around telecoms and broadcasting within government and that regular meetings were also taking place between Ofcom and counterpart regulators, the Broadcasting Authority of Ireland and ComReg, on Brexit.

10. Director's Report: Jonathan Rose

Jonathan highlighted a number of items including: the recent Media Nations event; Fibrus, which plans to build a new open access fibre network in Northern Ireland; and the recent Openreach announcement on 'fibre first' deployment in Belfast.

The Committee voiced its concern at the risk posed to planned broadband investment by the current political situation at Westminster.

Following the change of host organization and re-brand from BT NI Networks to Openreach NI the Committee noted there was ongoing engagement between Ofcom and Openreach NI to ensure that the Commitments and NI Protocol were still being adhered to.

11. Content Board Update: Angelina Fusco

Angelina was not present, but a short update paper from her was tabled.

12. CCP Update: Rick Hill

Rick updated the Committee on the Panel's ongoing work. He highlighted the Panel's response to Ofcom's recent consultation on end of contract and notifications.

Rick also briefed the Committee on a recent meeting Panel members had with DCMS officials re Brexit. Rick assured the Committee he had raised strongly issues that were of most concern to consumer in Northern Ireland in areas like roaming, all-island call charges, and resilience of supply.

13. AOB

The Committee noted that Ofcom's upcoming Mobile Strategy paper was due to be published before the end of the year.

The Committee heard that the appointment of a new Committee member was due to be considered at the Board meeting in December.

The Committee asked when Ofcom expected to be in a position to license new small-scale DAB multiplexes and noted that this would require further legislation, which was difficult to put a firm date on, but would likely be in 2019/2020.

14. External Presentation: Channel 4 – Bryony Robinson and Deborah Dunnett

The Committee was given a presentation by Channel 4, which focused on the channel's commissioning in Northern Ireland. There had been a modest 4% increase in main channel spend in 2017 and a 40% increase in hours.

The Committee welcomed Channel 4's efforts to increase this further, noting that it was still a quarter of "where it should be", given the size of Northern Ireland relative to other nations. The Committee stressed how successful the partnership agreement between the BBC and Northern Ireland Screen had been in increasing spending and production in Northern Ireland, and urged Channel 4 to do something similar.

Channel 4 highlighted increased engagement in the nations and especially Northern Ireland which, it hoped, would deliver results in the short to medium term.

The Committee thanked Channel 4 for its attendance and presentation and noted that more needed to be done.

Ends

Date of next meeting: Thursday 7 March 2019